

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)	
)	
2002 Biennial Regulatory Review --)	MB Docket No. 02-277
Review of the Commission's Broadcast)	
Ownership Rules and Other Rules)	
Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast)	MM Docket No. 01-235
Stations and Newspapers)	
)	
Rules and Policies Concerning)	MM Docket No. 01-317
Multiple Ownership of Radio)	
Broadcast Stations in Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244
TO THE COMMISSION		

MOTION FOR FURTHER EXTENSION OF TIME

The Minority Media and Telecommunications Council
("MMTC") and the National Association of Black Owned
Broadcasters ("NABOB") respectfully request the Commission to
grant the following relief:^{1/}

1. Extend the comment and reply comment periods in the
Omnibus NPRM 2/ as follows:

	<u>Comments: January 16, rather than January 2</u>
	<u>Reply Comments: March 17, rather than February</u>
3.	

^{1/} The views expressed in this Motion are the institutional
views of MMTC and NABOB, and do not necessarily reflect the
individual views of each of their respective officers,
directors, advisors or members.

^{2/} Review of the Commission's Broadcast Ownership Rules and
Other Rules Adopted Pursuant to Section 202 of the
Telecommunications Act of 1996 (NPRM), FCC 02-249 (released
September 23, 2002) ("Omnibus NPRM").

2. Issue, on an expedited basis, a ruling on the outstanding requests for relief in our "Motion for Revision of Procedural Dates, Expansion of the Scope of the Proceeding, and Inclusion of Additional Studies in the Record" ("MMTC/NABOB Original Extension Motion") filed October 10, 2002.

On September 23, 2002, the Commission released its Omnibus NPRM, commencing the most far-reaching review of the media ownership structural rules in its history. The Omnibus NPRM contained 179 substantive questions. Shortly thereafter, the Commission released twelve research studies related to the Omnibus NPRM, and it asked the parties to perform additional empirical research. The comment period was to run 60 days from the release date of the studies, with 30 days for replies.

Realizing that filing comprehensive comments and conducting empirical research was impossible within the time allotted, MMTC and NABOB sought an additional 60 days for comments and an additional 30 days for the reply period. Several other parties filed similar extension requests.

On November 5, 2002, the Commission extended the comment period by thirty days, but did not extend the reply period. Order DA 02-2989 (released November 5, 2002) ("Extension Order").

We have hardly been idle since the Omnibus NPRM was issued; indeed, it has consumed virtually every available moment of the time of all parties, including us. This was evident at a November 6, 2002 meeting that MMTC, with NABOB's assistance, convened at the Commerce Department. Fifty-three

representatives of interested parties attended, including
consumer groups, unions, journalists, writers, minority and

women's broadcast and civil rights organizations, television group owners, radio group owners, newspapers, cable systems and Internet service providers. Commissioners Copps and Martin each spoke, and most of the morning was taken up with a discussion with Commission staff regarding the research studies and their methodologies. Most of the afternoon was devoted to a discussion of minority ownership issues with representatives of Senator McCain's staff.

Thereafter, MMTC attempted to secure the interest of the November 6 meeting participants, as well as the academic and foundation communities, in empirical research responsive to the Omnibus NPRM. This effort completely failed, largely because the shortness of the comment periods renders it impossible for any but the wealthiest interests to perform any independent research.^{3/}

Consequently, we are forced to rely only on legal arguments, anecdotal evidence and expert testimony in order to participate in this proceeding at all. Furthermore, we will only be able to focus on a handful of the issues raised in the NPRM. We have spent the better part of the past two months conducting legal and policy research and framing our arguments.

Unfortunately, most of the experts on whom we expect to rely are academics who will be unavailable to complete work on

^{3/} However, following up on the November 6 meeting, MMTC has enjoyed some success in generating interest in new minority

ownership initiatives.

their testimony during the fall semester grading period and, subsequently, the Christmas and New Year's holidays. Consequently, in order even to minimally participate in the proceeding, we will need to complete our legal analysis during December, and then wrap up the expert testimony immediately afterward when the academic year resumes. In order to achieve this, we will need an additional two weeks of time after the New Year's holiday.

The Extension Order did not extend the reply period, and we ask the Commission to revisit that question now. As shown infra, the public interest parties, including MMTC and NABOB, will barely be able to address, in their Comments, issues of immediate concern to their members -- such as the impact of the structural rules on low income families and on minority ownership. The only opportunity MMTC, NABOB and other public interest parties will have to address the myriad other issues in this proceeding will be by replying to the comments of others. The volume of comments is likely to break a record for a Title III rulemaking proceeding. It is unlikely that anyone would even be able to digest all of the comments in 30 days, much less answer them coherently.

The MMTC/NABOB Original Extension Motion also had asked the Commission to grant the following relief:

- Reverse language (in n. 13 of the Omnibus NPRM) that purported to change longstanding precedent that holds that the attribution rules are inextricably related to substantive ownership rules, and expressly request comment on the attribution rules;

- Affirm that minority ownership is a central interest in this or any structural ownership proceeding, and stop insisting that commenters debate whether minority ownership is important -- an issue the D.C. Circuit decided 27 years ago and one that is no longer a subject of reasonable debate; and
- Include in the record of this docket the five broadcast-related research studies released in 2000 pursuant to Section 257 of the Telecommunications Act, and seek comment on these studies.

MMTC/NABOB Original Extension Motion, p. 1. We would, of course, like all parties, and not just MMTC and NABOB, to have time to share their views on these important matters.

On November 5, 2002, the Commission ruled as follows:

The MMTC/NABOB Petition also asks the Commission to: incorporate into the record certain broadcast-related studies on minority ownership; include the attribution rules for evaluation in the proceeding; and reaffirm that minority ownership is central to any structural ownership rulemaking. These issues, which are unrelated to its request to extend the comment and reply comment deadlines, remain pending with the Commission and will be addressed separately.

Extension Order at 2 n. 6. The Commission has not yet ruled on the merits of our requests.

If the Commission requires this much time just to rule on our requests, imagine how much time the parties would need in order to write comments responsive to the issues raised in our requests. Less than a month now remains until the comment due date. Thus, even if the Commission ruled on our requests immediately, the parties would be hard-pressed to provide a useful and serious review of these matters within the time allotted, while also addressing the myriad other issues of concern to them in the proceeding. Withholding a ruling until just before the comment due date would have the same practical

effect as a rejection of the relief sought, irrespective of how the Commission rules.

Consequently, we respectfully request the Commission to rule, on an expedited basis, on the outstanding issues in the MMTC/NABOB Original Extension Motion, to grant an additional two weeks of time on the comment pleading calendar, and to add 30 days to the reply comment period. In this way, the Commission can ensure that all parties have a reasonable opportunity both to pull their comments together during and after the holidays, and the Commission can ensure that all parties will have a reasonable opportunity to address the substantive issues raised in the MMTC/NABOB Original Extension Motion. Further, the Commission will ensure that all parties can file at least minimally useful reply comments. Our proposed March 17, 2003 date for the conclusion of the reply comment period would still leave the Commission more than three months to issue a Report and Order before the end of spring, as is contemplated.

Respectfully submitted,

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